

File

H.R. 6277 as ordered to be
favorably reported by the
House Foreign Affairs Committee

August 18, 1965

A BILL

To amend the Foreign Service Act of 1946, as amended, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled;*
3 That this Act may be cited as the "Foreign Service Act
4 Amendments of 1965".

5 SEC. 2. Section 111 (1) of the Foreign Service Act of

(1) 1946, as amended, is amended by inserting "at home and"
(2) immediately after "to serve".

3 *SEC. 3. Section 201 of such Act is amended to read as*
4 *follows:*

5 *"SEC. 201. There shall be a Director General of the*
6 *Service (hereafter in this Act referred to as the 'Director*
7 *General') who shall be appointed by the President, by and*
8 *with the advice and consent of the Senate, from among For-*
9 *ign Service officers in the classes of career ambassador or*
10 *career minister, or in class 1."*

11 *SEC. 4. Section 211 of such Act is amended to read as*
12 *follows:*

13 *"SEC. 211. There is hereby established the Board of the*
14 *' Foreign Service to be composed of the Secretary of State or*
15 *an officer of the Department designated by him, who shall be*
16 *chairman; the Chairman of the Civil Service Commission;*
17 *and such other members as the President may designate,*
18 *including representatives of those Government agencies deter-*
19 *mined by him to be substantially engaged in foreign affairs*
20 *programs and activities and utilizing the foreign affairs per-*
21 *sonnel system. The Board shall perform the functions pre-*
22 *scribed by section 637 of this Act and such other functions*
23 *as the President may prescribe. The membership of the Board*
24 *shall consist of not less than seven members and, for the pur-*
25 *pose of performing the functions prescribed by section 637*

1 of this Act, at least one more than one-half of the then current
2 total membership of the Board shall constitute a quorum for
3 such purpose."

4 SEC. 5. Section 212 of such Act is amended to read as
5 follows:

6 "SEC. 212. (a) There is hereby established the Board of
7 Examiners for the Foreign Service the membership of which
8 shall be determined by the Secretary and shall include repre-
9 sentatives of those Government agencies determined by him
10 to be substantially engaged in foreign affairs programs and
11 activities and utilizing the foreign affairs personnel system.
12 Not more than one-half of the membership of the Board of
13 Examiners for the Foreign Service shall consist of Foreign
14 Service officers.

15 "(b) The Board of Examiners for the Foreign Service
16 shall, in accordance with regulations prescribed by the Secre-
17 tary, make recommendations to the Secretary concerning (1)
18 means for attracting persons of the highest caliber into the
19 Service, (2) standards for the examination and appointment
20 of such persons, and (3) such procedures as may be neces-
21 sary to determine the loyalty of such persons to the United
22 States and their attachment to the principles of the Constitu-
23 tion. The Board of Examiners for the Foreign Service shall
24 perform such other functions and duties as the Secretary may
25 prescribe.

~~1. SEC. 3~~ SEC. 6. Section 401 (3) of such Act is amended
2. to read as follows:

3. “(3) *Foreign Affairs officers who shall be appointed*
4. *under section 522(a); Foreign Service Reserve officers, who*
5. *shall be appointed or assigned under section 522(b);”.*

~~6. SEC. 4~~ SEC. 7. Section 415 (b) of such Act is amended
7. by striking out all that follows “by this section,” and insert-
8. ing in lieu thereof “and he may, as appropriate, establish
9. rates for wage board positions.”.

~~10. SEC. 5~~ SEC. 8. Section 421 of such Act is amended—
11. (1) by striking out “any Foreign Service officer”
12. and inserting in lieu thereof “any officer of the Service”;
13. and

14. (2) by striking out “as Foreign Service officer”
15. and inserting in lieu thereof “as an officer of the
16. Service”.

~~17. SEC. 9.~~ Section 422 of such Act is amended—

18. (1) by striking out “Foreign Service officer or
19. any consul or vice consul who is not a Foreign Service
20. officer” and inserting in lieu thereof “officer of the
21. Service”; and

22. (2) by striking out “Foreign Service officer or
23. consul or vice consul” and inserting in lieu thereof “an
24. officer of the Service”.

1 ~~SEC. 6~~ *SEC. 10.* Section 441 of such Act is amended—

2 (1) by striking out “(a)”;

3 (2) by striking out “at posts abroad”; and

4 (3) by striking out paragraph (b).

5 ~~SEC. 7~~ *SEC. 11.* Immediately preceding section 444 of
6 such Act, add the following new section:

7 “SEC. 443. The Secretary may establish rates of salary
8 differential, not exceeding 15 per centum of basic salary,
9 for officers or employees of the Service while they are per-
10 forming duties abroad requiring frequent travel ~~under un-~~
11 ~~usually hazardous conditions into hardship areas.~~”

12 ~~SEC. 8~~ *SEC. 12(a).* Section 516(b) of such Act is
13 amended by inserting “or 6” immediately after “class 7”.

14 (b) *Section 517 of such Act is amended—*

15 (1) *by striking out “four years” and inserting in*
16 *lieu thereof “three years”; and*

17 (2) *by striking out in the first sentence all that fol-*
18 *lows “if he has” and inserting in lieu thereof “so served*
19 *one year, he shall be eligible for appointment to class*
20 *6 or 7.”.*

21 ~~SEC. 9~~ *SEC. 13.* Section 522 of such Act is amended
22 to read as follows:

23 “SEC. 522. (a) The Secretary may on the basis of
24 merit and fitness appoint citizens of the United States as

1 limited service, or for such other periods of service as he may
2 deem necessary, and may establish appropriate probationary
3 periods for such newly appointed officers. Under such regu-
4 lations as the President may prescribe, persons who have
5 been citizens of the United States for at least five years may,
6 subject to the provisions of subsection (c) of this section, be
7 appointed as Foreign Affairs officers without time limita-
8 tion—

9 “(1) to classes 1, 2, and 3 by the President, by and
10 with the advice and consent of the Senate, or

11 “(2) to classes 4, 5, 6, 7, and 8 by the President
12 alone or by the Secretary when directed by the President.

13 The Secretary may establish appropriate probationary
14 periods for such officers. Except as otherwise determined by
15 the President, all provisions of this or any other law appli-
16 cable to Foreign Service Reserve officers are hereby extended
17 to and shall be applicable to Foreign Affairs officers.

18 “(b) The Secretary may, with the consent of the head
19 of the Government agency concerned, assign as a Reserve
20 officer for such periods as he may deem necessary a person
21 regularly employed in any Government agency.” Persons
22 who have been citizens of the United States for at least five
23 years may, subject to the provisions of subsection (c) of this

24 section, be appointed by the Secretary as Reserve officers for

25 temporary or limited service, or for such other periods of

1 service as he may deem necessary. The Secretary may,
2 with the consent of the head of the Government agency con-
3 cerned, assign as a Reserve officer for such periods as he
4 may deem necessary a person regularly employed in any
5 Government agency.

6 “(c) No person shall be eligible for appointment under
7 subsection (a), or under the first sentence of subsection (b),
8 of this section unless he has passed such comprehensive mental
9 and physical examinations as the Board of Examiners for
10 the Foreign Service may prescribe to determine his fitness
11 and aptitude for the work of the Service.”

12 ~~SEC. 14~~ SEC. 14. Section 523 of such Act is amended
13 to read as follows:

14 “SEC. 523. The class to which a ~~Reserve an~~ officer is
15 appointed or assigned shall depend on his age, qualifications,
16 and experience. ~~A Reserve~~ Any such officer appointed or
17 assigned for worldwide service may be transferred from one
18 post to another as the interest of the Service may require.”

19 ~~SEC. 11~~ SEC. 15. Section 527 of such Act ~~is and the~~
20 heading thereto are hereby repealed.

21 SEC. 16. Section 533 of such Act is amended to read
22 as follows:

23 “SEC. 533. Whenever the Secretary shall deem it in the
24 interest of the Service that a staff officer shall serve in a

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~~diplomatic or consular capacity, he may recommend to the~~

1 *President that such officer be commissioned as a diplomatic*
2 *or consular officer or both. The President may, by and*
3 *with the advice and consent of the Senate, commission such*
4 *officer as a diplomatic or consular officer or both, and all*
5 *official acts of such an officer while serving under a diplo-*
6 *matic or consular commission shall be performed under his*
7 *commission as a diplomatic or consular officer."*

8 *SEC. 17. Section 534 of such Act is amended to read*
9 *as follows:*

10 *"SEC. 534. No person shall be eligible for appointment*
11 *as staff officer or employee who has not been a citizen of*
12 *the United States for at least five years at the time of his*
13 *appointment. The Secretary may, in individual cases, waive*
14 *the five-year citizenship requirement of this section, but*
15 *no person shall be eligible for appointment as staff officer*
16 *or employee who is not a citizen of the United States at the*
17 *time of his appointment."*

18 ~~SEC. 12~~ *SEC. 18. (a) Section 571 (a) of such Act is*
19 *amended by inserting a period immediately after "body"*
20 *and striking out the remainder of such section.*

21 *(b) Section 571 (b) of such Act is amended—*

22 *(1) by inserting "or if such officer is assigned to*
23 *a position the salary of which is established under the*
24 *Federal Executive Salary Schedule," immediately after*

1 (2) by striking out the last sentence.

2 ~~SEC. 13~~ SEC. 19. Section 573 of such Act is amended
3 to read as follows:

4 "SEC. 573. The Secretary may assign or detail any offi-
5 cer or employee of the Service to or in cooperation with
6 (1) educational or nonprofit institutions, ~~or with~~ (2) trade,
7 labor, commercial, or other organizations, *and* (3) any
8 office or agency in or under the legislative branch of the
9 Government. Reimbursements or advances of funds may
10 be made to applicable appropriations when received from
11 any such institution or organization for all or any part of the
12 salary and expenses of any officer or employee and his de-
13 pendants during such assignment or detail. The Secretary
14 may authorize such officer or employee to accept quarters,
15 travel, and other expenses from ~~the such~~ institution or or-
16 ganization."

17 ~~SEC. 14~~ SEC. 20. Section 633 of such Act is amended
18 to read as follows:

19 "SEC. 633. The Secretary may by regulation prescribe
20 (1) the manner in which the standard of performance re-
21 quired of officers or employees of the Service *below the class*
22 *of career ambassador* is determined, and (2) the maximum
23 period during which *such* officers or employees are permitted
24 to remain in each class without promotion. Any *such* officer

1 or employee who fails to meet the required standard of per-
2 formance or who is not promoted within the prescribed
3 period may, without regard to section 637, be separated and
4 receive benefits under section 634."

5 ~~SEC. 15~~ SEC. 21. (a) Section 634 (a) of such Act is
6 amended to read as follows:

7 " (a) Any Foreign Service officer or *Foreign Affairs*
8 officer in class 1, 2, or 3, or any staff officer in class ~~1~~ class 1,
9 who is a participant in the Foreign Service Retirement and
10 Disability System, *System and* who is separated under sec-
11 tion 633 shall receive benefits under section 821."

12 (b) Section 634 (b) of such Act is amended—

13 (1) by inserting immediately after "*Foreign Serv-*
14 *ice officer*" the phrase "*or Foreign Affairs officer*";

15 (2) by inserting immediately after "or 7" the
16 following: ", or any staff officer in class 2, 3, 4, 5, or 6
17 who is a participant in the ~~System~~, *System and*";

18 (3) by striking out "from the Foreign Service
19 Retirement and Disability Fund," in subparagraph (1);

20 and

21 (4) by striking out the second and third sen-
22 tences of subparagraph (2) and inserting in lieu thereof
23 the following: "If such officer dies before reaching age
24 sixty, his death shall be considered a death in service

1 (c) Section 634 (c) of such Act is amended to read as
2 follows:

3 “(c) Any Reserve officer, or any staff officer or em-
4 ployee who is not a participant in the ~~System~~, *System and*
5 who is separated under section 633 may be granted benefits
6 under section 634 (b) (1).”.

7 ~~SEC. 16~~ SEC. 22. Section 635 of such Act is amended
8 by striking out “class 7 who is appointed” and inserting in
9 lieu thereof “class 6 or 7 who is appointed to such class”.

10 SEC. 23. *Section 637(a) is amended by inserting im-*
11 *mediately after the first sentence thereof the following: “Any*
12 *request for such hearing shall be made by such officer or*
13 *employee within 30 days after receipt by him of written*
14 *notice of such proposed separation, and the Board of the*
15 *Foreign Service shall hold such hearing and render its*
16 *decision within 120 days after the receipt of such request*
17 *for a hearing; except that the Secretary may, under such*
18 *regulations as he may prescribe, grant one extension (not*
19 *to exceed 60 days) of such 120-day period upon written*
20 *request from the Board of the Foreign Service or from the*
21 *officer or employee concerned, for good cause shown by the*
22 *requesting party.”*

23 ~~SEC. 17~~ SEC. 24. Immediately after section 663 of such
24 Act add the following new section:

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~~Sec. 664. The Secretary may, under such regulations and~~

1 conditions as he deems appropriate, compensate any alien
2 employee who is or has been imprisoned by a foreign govern-
3 ment as a result of his employment by the United States, and
4 may utilize for such purpose any authority of the Missing
5 Persons Act, as amended (50 App. U.S.C. 1001 et seq.).
6 Any such imprisonment may be considered for purposes of
7 all other employee benefits to be a period of employment by
8 the United States."

9 SEC. 18. Section 803 ~~(a)(1)~~ of such Act is amended
10 to read as follows:

11 ~~"(1) All Foreign Service officers, or former Foreign~~
12 ~~Service officers appointed as Reserve officers or as staff~~
13 ~~officers or employees without a break in service in excess of~~
14 ~~three calendar days;"~~

15 SEC. 25. (a) Section 803 of such Act is amended by
16 adding at the end thereof the following new subsections:

17 "(d)(1) In accordance with such regulations as the
18 President may prescribe—

19 "(A) any person transferred to the Service under
20 section 29 of the Foreign Service Act Amendments of
21 1965 as a Foreign Affairs officer or as a Foreign Service
22 staff officer or employee;

23 "(B) any person appointed as a Foreign Service
24 staff officer or employee of the Department of State, the

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1 *States Information Agency, before the date of enactment*
2 *of the Foreign Service Act Amendments of 1965; and*
3 *“(C) any person appointed for worldwide service*
4 *as a Foreign Affairs officer or as a Foreign Service*
5 *staff officer or employee of the Department of State, the*
6 *Agency for International Development, or the United*
7 *States Information Agency, on or after the date of enact-*
8 *ment of the Foreign Service Act Amendments of 1965;*
9 *shall become a participant in the system upon the completion*
10 *of at least ten years of continuous service (exclusive of mili-*
11 *tary service) as an officer or employee of the Department of*
12 *State, the Agency for International Development, or the*
13 *United States Information Agency and shall make a special*
14 *contribution to the Fund in accordance with the provisions of*
15 *section 852.*

16 *“(2) Any officer or employee who, under the provisions*
17 *of paragraph (1) of this subsection, becomes a participant*
18 *in the System, shall be mandatorily retired for age during*
19 *the first year after he becomes a participant if he attains age*
20 *sixty-four or if he is over age sixty-four; during the second*
21 *year at age sixty-three; during the third year at age sixty-*
22 *two; during the fourth year at age sixty-one; and thereafter*
23 *at age sixty.*

24 *“(3) Any officer or employee who becomes a partici-*
25 *pant in the System under the provisions of subparagraph*

1 (A) of paragraph (1) of this subsection, who is age fifty-
2 seven or over when he becomes a participant, may retire
3 voluntarily at any time before mandatory retirement under
4 paragraph (2) of this subsection and receive retirement bene-
5 fits under section 821.

6 “(e) Any participant who is appointed as a Foreign
7 Affairs officer or as a staff officer or employee without a break
8 in service in excess of three calendar days shall remain a
9 participant.”

10 (b) The amendment made by subsection (a) of this
11 section shall become effective on the first day of the first
12 month which begins more than one year after the date of
13 enactment of this Act, except that any Foreign Affairs
14 officer or Foreign Service staff officer or employee who, before
15 such effective date, meets the requirements for participation
16 in the Foreign Service Retirement and Disability System
17 under the amendment made by subsection (a) may elect to
18 become a participant effective on the first day of the second
19 month following the date of his application for earlier
20 participation.

21 (c) Section 803(c) of such Act is repealed effective
22 as of November 1, 1967.

23 ~~SEC. 19~~ SEC. 26. Section 911 of such Act is amended

24 by striking out the period at the end of paragraph (10) and

15

1 inserting in lieu thereof a semicolon and by adding at the end
2 thereof the following new paragraph:

3 “(11) travel and related expenses, without regard
4 to the provisions of this or any other law, whenever
5 he determines that *extraordinary conditions, or circum-*
6 *stances involving personal hardship, warrant the pay-*
7 *ment of* such expenses are incident to appointment, serv-
8 ice, or separation of officers or employees of the Service,
9 including any such expenses of the members of their
10 families.”.

11 ~~SEC. 20~~ SEC. 27. Section 921 of such Act is amended
12 by adding at the end thereof the following new paragraph:

13 “(d) Notwithstanding the provisions of any other law,
14 assets derived after January 1, 1950, from any non-Govern-
15 ment-operated commissary, mess service, or recreational
16 facility abroad, through termination or otherwise, may be
17 established as a working fund. Such fund may be used by
18 the Secretary, without fiscal year limitation, for the purposes
19 of this section.”

20 ~~SEC. 24~~ SEC. 28. Immediately after section 943 of
21 such Act add the following new sections:

22 “SEC. 944. ~~The~~ *Under such regulations as he may pre-*
23 *scribe, the* Secretary is authorized to ~~continue~~ *provide* medical

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1 services under part E of this title beyond the date of death or
2 separation of an officer or employee.

3 "SEC. 945. Without regard to the provisions of any
4 other law, the Secretary may provide for cooperation in, or
5 interchange of, medical and related services and property
6 abroad between the United States Government and foreign
7 governments or international organizations under such terms
8 and conditions as he deems appropriate. Any funds re-
9 ceived under such arrangements may be used for direct
10 expenditure or for reimbursement of applicable appropria-
11 tions."

12 ~~SEC. 22~~ SEC. 29. The President is authorized, without
13 regard to the provisions of this or any other law, to provide
14 for the transfer, within three years after the date of enact-
15 ment of this section, of all personnel *transfer of all officers*
16 *and employees* (except officers compensated in accordance
17 with the Federal Executive Salary Schedule) ~~in or under~~
18 *of the Department of State, the Agency for International*
19 *Development, and the United States Information Agency,*
20 *and such personnel as he may designate of other Government*
21 *agencies who are engaged in foreign affairs functions without*
22 *examination, to an appropriate class in the Foreign Service*
23 *Reserve or Foreign Service staff classes under the Foreign*
24 *Service Act of 1946, as amended, as Foreign Affairs officers,*
25 *Reserve officers, or staff officers or employees; except that no*

1 officer or employee shall, without his written consent, be trans-
2 ferred under this section. Each officer or employee ~~so trans-~~
3 ~~ferred~~ who transfers under this section shall receive basic
4 compensation at the rate of his class determined to be appro-
5 priate by the Secretary, except that the rate of basic compen-
6 sation received by any officer or employee immediately prior
7 to the effective date of transfer shall not be reduced by the
8 provisions of this section. No officer or employee who trans-
9 fers under this section shall be assigned outside the United
10 States without his written consent.

11 ~~SEC. 23~~ SEC. 30. It is the policy of the Congress that
12 ~~any~~ Any Chief of Mission, whenever he deems it appropriate,
13 ~~shall may~~ prepare and submit reports relating to the service
14 of any officer or employee of the United States serving in
15 the country to which the Chief of Mission is accredited.

16 ~~SEC. 24. Existing regulations applicable to the Service~~
17 SEC. 31. Regulations of the Department of State, the Agency
18 for International Development, and the United States Infor-
19 mation Agency shall remain in effect until revoked or
20 rescinded, or until modified or superseded by regulations
21 made in accordance with the provisions of this Act, unless
22 clearly inconsistent therewith.

23 ~~SEC. 25~~ SEC. 32. (a) The provisions of the Civil Serv-
24 ice Act of January 16, 1883, as amended, *subsections (a)*

25 ~~and (b) of~~ section 6 of the Act of August 24, 1912, as

1 amended (5 U.S.C. 652 (a) and (b)), the Veterans'
2 Preference Act of 1944, as amended, and the Classification
3 Act of 1949, as amended, shall not apply to officers and
4 employees of the Foreign Service of the United States.

5 (b) Section 1007 of the United States Information and
6 Educational Exchange Act of 1948 is repealed.

✓ 7 ~~SEC.-26~~ SEC. 33 (a) Section 205 of the Annual and Sick
8 Leave Act of 1951, as amended (5 U.S.C. 2064), is
9 amended by adding at the end thereof the following new
10 subsection:

11 " (f) No leave shall be charged to the account of any
12 officer or employee for absence, not to exceed ~~six months~~
13 *one year*, due to an injury or illness incurred while serving
14 abroad and resulting from hostile activity or clearly caused
15 by the fact that the officer or employee was located abroad."

(b) The amendment made by subsection (a) of
this section shall take effect as of the first day
of the first pay period which begins on or after
January 1, 1965.

~~SEC.-27~~ SEC. 34. Section 231 of the Overseas
Differentials and Allowances Act (5 U.S.C. 3038) is
amended by inserting immediately before the period
at the end thereof the following: ",except that in
a foreign area where there is unusual danger of injury
due to hostile activity such additional compensation

SEC. 35. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (5 U.S.C. 170f-170u), is amended by inserting immediately after section 13 the following new section:

3 *"SEC. 14. There is hereby established a Management*
4 *Fund for the Department of State, for expenses (including*
5 *equipment and those expenses authorized by the Foreign*
6 *Service Act of 1946, as amended) necessary for the per-*
7 *formance of administrative support and other reimbursable*
8 *services in Washington, District of Columbia, and elsewhere*
9 *in accordance with existing law. The fund shall be reim-*
10 *bursed or credited with advance payments from applicable*
11 *appropriations and funds of the Department of State and*
12 *other Federal agencies, as mutually agreed to, and receipts*
13 *from other sources authorized by law, approximately equal*
14 *in the aggregate to the cost of supplies furnished and services*
15 *rendered. Not to exceed \$1,000,000 of the total funds*
16 *advanced or reimbursed during any fiscal year shall be avail-*
17 *able for use in the following fiscal year."*